

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5303 of 2025

Arising Out of PS. Case No.-47 Year-2024 Thana- KUNAU LI District- Supaul

Sanjay Kumar Sah Son of Rajdev Sah Resident of Village - Kunauli, Ward
No.5, P.S. - Kunauli, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kunauli
P.S. Case No. 47 of 2024, instituted for the offences punishable
under Sections 21(c), 22, 25, and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 120 bottle of Onerex Cough Syrup (total 12 liters
Cough Syrup) from the bag of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case as
well as charge has also been submitted against the petitioner. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has got no concern with the alleged recovery of smack. It is further submitted that 120 liters of Cough Syrup contains 24 gram of codeine. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 24.04.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kunauli P.S. Case No. 47 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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